



INTERIOR BOARD OF INDIAN APPEALS

Appeal of Native Village of Barrow

23 IBIA 195 (02/12/1993)

Related Board case:
23 IBIA 101



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

February 12, 1993

APPEAL OF NATIVE
VILLAGE OF BARROW

IBCA 3133 and 3134
IBIA 93-28-A

Grant No. GTE 00006289
Bureau of Indian Affairs

APPEARANCE FOR APPELLANT:

Arnold Brower, Jr., President, pro se
Native Village of Barrow
Barrow, Alaska

APPEARANCE FOR GOVERNMENT:

Regina L. Sleater, Esq.
Department Counsel
Anchorage, Alaska

Order Dismissing Appeals with Prejudice For Lack of Jurisdiction

The above case was received by the Board and docketed on December 11, 1992, as IBCA 3133 and 3134. On December 14, we asked the Regional Solicitor to file its Complaint, disclosing the basis for the Government's disallowance of appellant's costs. On February 3, 1993, however, we received a Government motion to dismiss the appeals for lack of jurisdiction based on untimeliness.

We note that the appeal was initially untimely filed with the Interior Board of Indian Appeals (IBIA), where appellant had been told to appeal by the Department's grant officer; and that the appeal was later denied by IBIA and referred to this Board by Order dated December 10, 1992 (23 IBIA 101). However, even had the appeal been sent directly to this Board, it was not timely, since the maximum time for appealing a contract or grant decision to this Board is only 90 days; whereas, this appeal was not mailed to the Office of Hearings and Appeals until 98 days after the grant officer's decision. Thus, neither IBCA or IBIA has jurisdiction over this matter.

Accordingly, this appeal must be dismissed with prejudice by both this Board and the Board of Indian Appeals; and the signatures of members of both boards appear below. The Government's motion to dismiss is hereby granted.

//original signed

Kathryn A. Lynn
Chief Administrative Judge, IBIA

//original signed

Bernard V. Parrette
Administrative Judge, IBCA

We concur:

//original signed

Anita Vogt
Administrative Judge, IBIA

//original signed

Herbert Packwood, Acting
Chief Administrative Judge, IBCA